<u>REMARKS</u>

Claims 1-26 are pending in the present application.

<u>Restriction Requirement</u>:

The Examiner has required restriction as follows:

Group I – claims 1-24, drawn to an optical laminate; and

Group II – claims 25-26, drawn to a process for producing an optical laminate.

<u>Applicants elect, with traverse, Group I, Claims 1-24, drawn to an optical laminate</u>.

The requirement is traversed for the following reasons.

The Examiner alleges that US 2003/0125503 teaches the present invention. The Examiner has taken the subject matter of Groups I and II do not have a special technical feature amounting to a contribution which each of the claimed inventions, considered as a whole, makes over the prior art, and as such, the present claims lack unity of invention. In the first paragraph under Item No. 4. on page 3 of the Office Action, the following is stated:

"US 2003/0125503 teaches an optical laminate C (optical film, [0045]) which comprises layer A comprising a resin having a negative *intrinsic* birefringence ([0008]) and at least one layer B comprising a transparent resin having substantially no orientation, ⋯." (emphasis added)

However, Applicants respectfully submit that this does not reflect the disclosure of US 2003/0125503 correctly. In paragraph [0008], the following is stated:

"For achieving the above-identified objects, the present invention provides an optical film containing polyaryleneetherketone and having a negative birefringence. Such an optical film is excellent in the heat resistance and uniformity, and has a negative birefringence. It is preferable in the film that the negative birefringence is in a range of 0.001 to 0.6."

The term "negative birefringence" in US 2003/0125503 is defined in paragraph [0025] thereof. Thus, it is to be understood that the optical film of US 2003/0125503 is "a negative film having an out-of-plane uniaxial optical axis (lines 1 to 3 in [0025])", and also that "a key

parameter from an aspect of the optical characteristics, can be controlled properly by adjusting the materials, the film thickness and the production conditions" (see lines 10 to 13 of [0026]), and further that the optical film according to US 2003/0125503 has "a negative birefringence Δn, for example, in a range of 0.001 to 0.6, preferably of 0.002 to 0.6, and more preferably of 0.004 to 0.6" (see lines 17 to 20 of [0026]).

In contrast to US 2003/0125503, the feature of the presently claimed invention is confirmed as follows:

> " An optical laminate (optical laminate C) which comprises a layer (layer A) comprising a *resin* having a negative *intrinsic* birefringence and at least one layer (layer B) comprising a transparent resin, having substantially no orientation and laminated at least on one face of layer A and satisfies a relation $|Re(A)|>|Re(B)|$, wherein Re(A) and Re(B) represent an in-plane retardation of layer A and an in-plane retardation of layer B, respectively, measured with light having a wavelength of 400 to 700 nm." (Emphasis added).

As seen above, although US 2003/0125503 discloses a film having a negative birefringence, US 2003/0125503 fails to disclose a layer comprising a *resin* having a negative *intrinsic* birefringence.

With respect to the intrinsic birefringence, the present specification defines the parameter in page 10, lines 6 to 14 as follows:

> "Δn^0 is a value calculated in accordance with the following equation:
> $$\Delta n^0=(2\pi/9)(Nd/M)\{(n_a+2)^2/n_a\}(\alpha_1-\alpha_2) \qquad \dots [1]$$
> In the equation, π represents the circle ratio, N represents the Avogadro number, d represents the density, M represents the molecular weight, n_a represents the average refractive index, α_1 represents the polarizability of the macromolecule in the direction of the molecular chain, α_2 represents the polarizability of the macromolecule in the direction perpendicular to the direction of the molecular chain."

Thus, the parameter, "intrinsic birefringence" in the presently claimed invention is intrinsic for a given resin, irrespective of the condition of forming a film from the resin.

From the discussions set forth above, US 2003/0125503 fails to disclose one of the important features of the presently claimed invention: "An optical laminate (optical laminate C) which comprises a layer (layer A) comprising a _resin_ having a negative _intrinsic_ birefringence".
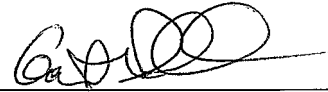
Based on the foregoing, there is a special technical feature amounting to a contribution which each of the claimed inventions, considered as a whole, makes over the prior art, and as such, the present claims have unity of invention. Rejoinder of Group II with Group I is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Garth M. Dahlen, PhD, Registration No. 43575 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

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Respectfully submitted,

By _____
Garth M. Dahlen, PhD
Registration No.: 43575
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, VA 22040-0747
703-205-8000